

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERGIO HERNANDEZ NAJERA,	:	
Plaintiff,	:	
	:	21 Civ. 6753 (LGS)
-against-	:	
	:	<u>ORDER</u>
LAKE AVE PIZZA LLC, et al.,	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff commenced this putative collective action under the Fair Labor Standards Act on August 10, 2021. After Defendants failed to appear, default judgment was entered on September 29, 2022, and the matter was referred to Magistrate Judge Sarah L. Cave for a damages inquest;

WHEREAS, on August 3, 2023, Judge Cave issued a Report and Recommendation (the “Report”) recommending that Hernandez be awarded (1) compensatory damages in the amount of \$21,150.00; (2) liquidated damages in the amount of \$21,150.00; (3) prejudgment interest on Hernandez’s damages for unpaid minimum, overtime and spread-of-hours wages at a rate of nine percent per annum from the period of October 20, 2020 to the date of entry of judgment; (4) post-judgment interest pursuant to 28 U.S.C. § 1961 and (5) attorney’s fees in the amount of \$5,460.00. The Report also recommends that no statutory damages be awarded under New York’s Wage Theft Prevention Act due to lack of standing;

WHEREAS, as stated in the Report, the deadline for any objections was fourteen days from service of the Report. Because service of the Report on Defendants was made by mail, Defendants had an additional three days to file objections. *See* Fed. R. Civ. P. 6(d);

WHEREAS, no objections were timely filed;

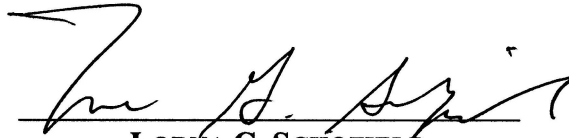
WHEREAS, in reviewing a magistrate judge’s report and recommendation, a district

judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Kuan v. Notoriety Grp. LLC*, No. 22 Civ. 1583, 2023 WL 3936749, at *1 (S.D.N.Y. June 9, 2023);

WHEREAS, the Court finds no clear error on the face of the record as to Judge Cave’s recommendations. It is hereby

ORDERED and ADJUDGED that the Report is ADOPTED in full, for the reasons stated in the Report.

Dated: September 6, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE